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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,094	02/04/2004	Manabu Tokunaga	701158-4009	2571
34313	7590	03/11/2005	EXAMINER	
ORRICK, HERRINGTON & SUTCLIFFE, LLP 4 PARK PLAZA SUITE 1600 IRVINE, CA 92614-2558			CHUKWURAH, NATHANIEL C	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/772,094

Applicant(s)

TOKUNAGA ET AL.

Examiner

Nathaniel C. Chukwurah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☒ Claim(s) 3,11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/2/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kibblewhite et al. (US 4,316,512).

With regard to claim 1, Kibblewhite et al. discloses a power tool comprising: a motor (22), means for generating an elevated torque (12, 14) coupled to motor (22), a load shaft (30) connected to the output shaft (20), means (38) for detecting change in rotational angle of the output shaft, a memory (117) for storing a state of the output shaft by the detecting means (38), a processor (70) in communication with the motor (22), the detecting means (38) and the memory (117). The detecting means (38) communicates signals corresponding to the output shaft (col. 5, lines 47-51). The processor (70) stores the state of the output shaft (col. 9, lines 35-48).

The processor (70) further determines a generating time based upon the state of the output shaft (col. 9, lines 23-25, 39-40; col. 10, line 9).

With regard to claim 2, Kibblewhite et al. shows means for generating an elevated torque comprises an, anvil (14), and a hammer (12) coupled to the motor (22).

With regard to claim 4, Kibblewhite et al. teaches magnetic sensors (col. 5, line 58) capable of performing the functions as described in claim 4.

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With regard to claim 5, Kibblewhite et al. shows detecting (38) comprises an encoder (28).

With regard to claim 6, Kibblewhite et al. shows that the processor calculates the changes in rotational angle of the output shaft in the tightening direction (col. 4, line 32; col. 7 lines 46-50; col. 9, lines 23-25, 35-36, 39-45).

With regard to claims 7 and 8, Kibblewhite et al. shows that the processor stop the motor when the fastener has reached the seated position against the workpiece (col. 7, lines 60- 63).

With regard to claim 9, Kibblewhite et al. does not expressly state that the processor does not determine that the fastener has reached the seated position during the second predetermined time, Kibblewhite et al.'s processor is deemed to include such function as not determine that the fastener has reached the seated position during the second predetermined time.

With regard to claim 10, Kibblewhite et al. shows that the processor stops the motor after torque after torque has been generated after a predetermined time (col. 7, lines 60-63).

***Allowable Subject Matter***

Claims 13-15 are allowed over prior art.

Claims 3 and 11-12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The art of record considered as a whole, lone or in combination, neither anticipates nor renders obvious a power tool comprising in combination a means for detecting changes in the angle rotation of the output shaft, a processor determining a type of workpiece based upon the

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signals from the sensors, selecting the automatic stopping program based upon the workpiece and stopping the motor with the selected automatic stopping program.

The art of record considered as a whole, lone or in combination, neither anticipates nor renders obvious a power tool comprising in combination a means for generating an elevated torque comprises an oil pulse unit.

The art of record considered as a whole, lone or in combination, neither anticipates nor renders obvious a power tool comprising in combination a processor which further calculates the absolute value of the changes in the rotational angle.

### ***Conclusion***

Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathaniel C. Chukwurah whose telephone number is (571) 272-4457. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NC

March 4, 2005



Rinaldi I. Rada  
Supervisory Patent Examiner  
Group 3700